AGENDA

NOTICE is hereby given of a Special Meeting of the City Council of the City of Ovilla, to be held on Monday, January 30, 2023, at 4:30 P.M. in the Ovilla Municipal Building, Council Chamber Room, 105 S. Cockrell Hill Road, Ovilla, Texas, 75154, for the purpose of considering the following items:

I. CALL TO ORDER
   • Invocation – led by PL2 Oberg
   • U.S. Pledge of Allegiance and TX Pledge led by PL5 Piland

III. CITIZENS COMMENTS
   The City Council welcomes comments from Citizens. Those wishing to speak must sign in before the meeting begins. Speakers may speak on any topic, whether on the agenda or not. The City Council cannot act upon, discuss issues raised or make any decisions at this time. Speakers under citizens’ comments must observe a three-minute time limit. Inquiries regarding matters not listed on the agenda may be referred to Staff for research and possible future action.

IV. REGULAR AGENDA

ITEM 1. DISCUSSION/ACTION - Consideration of and action on Ordinance 2023-04 an ordinance of the City of Ovilla, Texas, amending Appendix “A”, Section A2.000 (miscellaneous fees), of the Code Of Ordinances of the City of Ovilla; establishing park facility use fees; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

V. EXECUTIVE SESSION
   The City Council of the City of Ovilla, Texas, reserves the right to meet in a closed session on any item listed on this Agenda should the need arise, pursuant to authorization by Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), 418.183 (homeland security).

   A. Convene into Executive Session.

   ES ITEM 1. DISCUSSION/ACTION – Closed Session - Called pursuant to Section 551.074 (1) of the Texas Government Code: Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

         City Manager

   B. Adjourn from the executive session and reconvene into the open meeting.

VI. ANY ACTION NECESSARY OR APPROPRIATE AS A RESULT OF THE CLOSED EXECUTIVE SESSION.

VII. REQUESTS FOR FUTURE AGENDA ITEMS AND/OR ANNOUNCEMENTS BY COUNCIL AND STAFF
VIII. ADJOURNMENT

THIS IS TO CERTIFY THAT A COPY OF THE NOTICE OF January 30, 2023, Special City Council Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City’s website, www.cityofovilla.org, on the 27th day of January 2023, prior to 4:30 p.m., in compliance with Chapter 551, Texas Government Code. A quorum of the governmental body will be physically present at the location noticed above. Pursuant to Tex. Gov’t Code 551.127, one or more members of the governing body may appear via videoconference call.

DATE OF POSTING: 1/27/23  TIME: 9:30 am/pm
DATE TAKEN DOWN:  TIME: ___________________________ am/pm

This facility is ADA compliant. If you plan to attend this public meeting and have a disability that requires special arrangements, please call 972-617-7262 at least 48 hours in advance. Reasonable accommodation will be made to assist your needs. PLEASE SILENCE ALL CELL PHONES & OTHER ELECTRONIC EQUIPMENT WHILE THE CITY COUNCIL MEETING IS IN SESSION.

A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

PURSUANT TO SECTION 30.06, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCIÓN 30.06 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA OCULTA), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTolas), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA OCULTA.

PURSUANT TO SECTION 30.07, PENAL CODE (TRESPASS BY LICENSE HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCIÓN 30.07 DEL CÓDIGO PENAL (ENTRADA SIN AUTORIZACIÓN POR TITULAR DE LICENCIA CON UNA PISTOLA VISIBLE), UNA PERSONA CON LICENCIA BAJO EL SUBCAPÍTULO H, CAPÍTULO 411 DEL CÓDIGO DE GOBIERNO (LEY DE LICENCIAS DE PISTolas), NO PUEDE ENTRAR EN ESTA PROPIEDAD CON UNA PISTOLA VISIBLE.
AGENDA ITEM REPORT

Item 1

Meeting Date: January 30, 2023  Department: Administration / Parks

Discussed  Action

Budgeted Expense: YES  NO  N/A

Submitted By: Staff

Reviewed By:  City Manager  City Secretary  City Attorney

Finance Director  Other: J. Kuykendall/A. Jarvis

AGENDA ITEM:

ITEM 1. DISCUSSION/ACTION – Consideration and action on Ordinance No. 2023-04 of the city of Ovilla, Texas, amending appendix “A”, Section A2.000 (miscellaneous fees), of the code of ordinances of the city of Ovilla; establishing park facility use fees; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.

Attachments:

1. Ordinance No. 2023-04
2. Reservation policy and application.

Discussion / Justification:

Background: Staff presented Ordinance No. 2023-04 to the council at the regular January council meeting. Council approved the ordinance however, motioned that a deposit be added to the ordinance which was to be set by the Parks Department. Staff met and agreed that a $50.00 deposit per day, per field, would be sufficient. Ordinance No. 2023-04 has been updated to include the deposit per request of the city council.

Recommendation / Staff Comments:

Staff Recommends: Approval

Sample Motion(s):

I move to approve/deny Ordinance No. 2023-04 of the city of Ovilla, Texas, amending appendix “A”, Section A2.000 (miscellaneous fees), of the code of ordinances of the city of Ovilla; establishing park facility use fees; providing a savings clause; providing a severance clause; providing for incorporation into the Ovilla Code of Ordinances; providing for immediate effect; and providing for publication.
ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY OF OVILLA, TEXAS, REPEALING AND REPLACING APPENDIX “A”, ARTICLE A2.000, SECTION A2.009, OF THE CODE OF ORDINANCES OF THE CITY OF OVILLA; PROVIDING PARK FACILITY USE FEES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR INCORPORATION INTO THE OVILLA CODE OF ORDINANCES; PROVIDING FOR IMMEDIATE EFFECT; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City of Ovilla currently provides facilities within its public parks for the use of the citizens of Ovilla including, but not necessarily limited to, sports fields, pavilions, and gazebos; and

WHEREAS, the City of Ovilla incurs significant costs and expenses relating to the maintenance, repair, and operation of the aforesaid facilities; and

WHEREAS, the City of Ovilla previously adopted Ordinance No. 2019-08, establishing a use fee for the gazebo at Heritage Park, such ordinance being codified in Appendix A, Article A2.000, Section A2.009, of the Code of Ordinances of the City of Ovilla; and

WHEREAS, the City finds and determines that it is necessary and in the best interests of the health, safety, and welfare of the citizens of the City of Ovilla to establish facility use fees for all current and future sports fields, pavilions, gazebos, and related facilities within the City's parks.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVILLA, TEXAS, THAT:

SECTION 1. REPEAL AND REPLACEMENT OF APPENDIX A, ARTICLE A2.000, SECTION A2.009, OF THE OVILLA CODE OF ORDINANCES

Appendix A, Article A2.000, Section A2.009, of the Ovilla Code of Ordinances is hereby repealed and replaced with the following:

Sec. A2.009  Park facility use fees

(a) Sports fields use and reservation, per field: $50.00 per hour / $300.00 per day.

(b) Tournament event use fee (3 day maximum): $1,000.00.

(c) Electricity usage fee, (during dark hours*): $25.00 per hour, per field.

(d) Drag and line field (upon special request): $40.00 per field.
(e) Pavilion use fee: $50.00 (additional $25.00 for use of fans/electricity).

(f) Gazebo: $50.00 (additional $25.00 for use of electricity).

(g) Deposit: $50.00 per field/per day.

* “Dark hours” means 30 minutes after civil twilight in the morning to 30 minutes before civil twilight in the evening, and at any other times the weather or other natural conditions prevent adequate sunlight.

SECTION 2. SAVINGS CLAUSE

If any other Ordinance of the City of Ovilla, Texas, heretofore enacted is found to conflict with the provisions of the Ordinance, then this Ordinance shall prevail.

SECTION 3. SEVERANCE CLAUSE

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. INCORPORATION INTO THE CODE OF ORDINANCES

The provisions of this ordinance shall be included and incorporated in the City of Ovilla Code of Ordinances and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 5. EFFECTIVE DATE

Because of the nature of interest and safeguard sought to be protected by this Ordinance and in the interest of the citizens of the City of Ovilla, Texas, this Ordinance shall take effect immediately after passage, approval, and publication, as required by law.

SECTION 6. PUBLICATION

The City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

PASSED, APPROVED and ADOPTED by the City Council of Ovilla, Texas, on this the ___ day of ________________, 2023.

__________________________
Richard Dormier, Mayor

ATTEST:
ORDINANCE NO. 2023-04

Bobbie Jo Taylor, City Secretary

APPROVED AS TO FORM:

______________________________
Ron G. MacFarlane, Jr., City Attorney
BALL FIELDS & PAVILION RESERVATION PROCEDURES & POLICY

OVILLA Parks Department has 1 baseball field, 1 softball field, one pavilion and a gazebo (Heritage Park) available for use at Founders Park on a rental basis as scheduled by the Parks Department. The policies that follow are required to ensure proper use and control of the facilities so that all citizens may equally enjoy them. As a renter, you are responsible for reviewing all the information provided. Reservations are only for the time-period that is paid for. If you want to reserve a dragged and chalked field, you must give a 24-hour notice.

RESERVATION & USE PROCEDURES: Field 2 remains open for practice if not reserved. Requests to reserve baseball/softball fields, pavilion & gazebo should be directed to the City of OVILLA Parks Department at 972-617-7262 during daily work hours (8am - 4:30). Reservations will occur on a first come, first serve basis. An official reservation form accompanied by payment must be submitted to officially hold a reservation. Cash, checks, credit card payments or money orders payable to the City of OVILLA are acceptable at the CITY OF OVILLA CITY HALL Administration Building 105 Cockrell Hill Road, Ovilla, TX 75154.

BASEBALL/SOFTBALL FIELDS INFORMATION: Weldon O'Dell Baseball/Softball Fields (105 S. Cockrell Hill Road) are located at Founders Park behind the Ovilla City Hall and Fire Department buildings on Cockrell Hill Road. Parking is allowed only at the city parking lot across from City Hall on Cockrell Hill Road and the parking lot at Water Street. NO parking is allowed at the Fire Department, Police Department or City Hall for use of the baseball fields. This complex consists of 1 baseball field and 1 softball field, and restroom facilities. All fields have lighting capabilities.

FACILITIES:

City Park Baseball/Softball

Field 1 Baseball
Field 2 Youth Baseball (9-y & under) / Softball
Pavilion
Gazebo at Heritage Park

FACILITY USE FEES:

<table>
<thead>
<tr>
<th>Softball/Baseball/Pavilion Fees:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sports Fields Use &amp; Reservation per field $50 (hourly) $300 daily use</td>
</tr>
<tr>
<td>Tournament Event Rental (3-day maximum) $1,000</td>
</tr>
<tr>
<td>Electricity Usage Fee (at dark) per hour, per field $25</td>
</tr>
<tr>
<td>Drag and Line Field by special request -per field $40</td>
</tr>
<tr>
<td>Pavilion (additional $25 for use of fans and electricity) $50</td>
</tr>
<tr>
<td>Heritage Park Gazebo (additional $25 for electricity) $50</td>
</tr>
<tr>
<td>Deposit per field, per day $50</td>
</tr>
</tbody>
</table>

RENTAL HOURS: The hours available for rental at the base ball fields & pavilion are from 5:00 a.m. – 10:00 p.m., Monday through Friday. (Saturday and Sunday-games are priority over practice).

ADDITIONAL REQUIREMENTS: Use this space to list any information pertinent to your event at any ball field or pavilion (i.e., electricity needed for music or PA system, permission for other equipment, etc.). Some of these requests could possibly require additional costs or proof of insurance requirements.
CANCELLATION POLICY: All cancellations must be made three days prior scheduled reservation time for a full refund of rental fee. In the event of inclement weather, the Parks Department will try to reschedule another date, or a full or partial refund will be given.

LIABILITIES: The individual, group, or organization making the reservation assumes all liability for any neglect or intentional damages to any park facility or property and will be billed accordingly. The individual, group, or organization using the facility shall obey all city rules and regulations, both written and verbal. The individual, group, or organization using the facility, and in consideration for such use, agrees to release, save, hold harmless and indemnify the City of OVILLA for any injury, death, and/or property damage (including loss of use) arising from or related to the use of the facility.

CITY OF OVILLA PARK RULES: Reference City Ordinance 2015-008.

- Park Hours: OPEN 5:00 a.m. - CLOSE 10:00 p.m. every day.
- Consumption or possession of alcohol is prohibited on park property.
- No overnight camping.
- No person shall have brought in or shall dump, deposit, leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash.
- Receptacles are provided throughout the park for trash/waste disposal. Please use them.
- Glass containers of any type are prohibited.
- Obey all traffic signs.
- No bicycles or motorized vehicles allowed in or around the fields.
- Hunting & firearms are forbidden.
- Picnic only in designated picnic areas such as the pavilion.
- No propane grills.
- No soliciting allowed.
- Climbing on any structure or any fencing in the park or ball fields is expressly prohibited.

VIOLATION OF PARK & BALL FIELD RULES IS CAUSE FOR IMMEDIATE EJECTION FROM THE PARK.

FEEDBACK: The OVILLA Parks Department welcomes any comments, feedback or general questions regarding your rental. Please contact the Parks Department.

CONTACT INFORMATION: OVILLA Parks Department, 105 S. Cockrell Hill Road, Ovilla, TX 75154, 972-617-7262, option 5, then option 3.

For assistance after hours, please text 972-561-8109 and a City of OVILLA Parks Department on-call employee will be contacted.

__________________________________________________________________________

APPLICANT SIGNATURE & POLICY ACKNOWLEDGEMENT                        DATE

Updated 1.09.2023
City of OVILLA Parks Department
Ph# (972) 617-7262 Fax # (972) 515-3221

BALLFIELD / PAVILION /GAZEBO
RESERVATION FORM

☐ Field 1 ☐ Field 2 ☐ Pavilion Rental ☐ Heritage Park Gazebo

DATE(S) REQUESTED: ________________________________

WEEKDAY: ☐ MONDAY ☐ TUESDAY ☐ WEDNESDAY ☐ THURSDAY ☐ FRIDAY ☐ SATURDAY ☐ SUNDAY
DATE(S) REQUESTED: Start: ___________________________ Finish: ___________________________

NAME: ___________________________________________

ORGANIZATION: ____________________ TEAM NAME: ____________________

ADDRESS: _______________________________________

CITY: ______________________ STATE: ___________ ZIP: ___________

PHONE NUMBER(S): _______________________________

E-MAIL: _________________________________________

Ball field and Pavilion Use Agreement:
The individual, group, or organization making the reservation assumes all liability for any neglect or intentional damages to any park facility or property and will be billed accordingly. The individual, group, or organization using the facility shall obey all city rules and regulations, both written and verbal. The individual, group, or organization using the facility, and in consideration for such use, agrees to release, save, hold harmless and indemnify the City of OVILLA for any injury, death, and/or property damage (including loss of use) arising from or related to the use of the facility.

_________________________________________  ______________________________________
Signature                                                Date

OVILLA Parks Department  105 S. Cockrell Hill Road, Ovilla, TX 75154
Make checks/money orders payable to: City of OVILLA

FULL REFUND will be allowed with a (3) three-day cancellation notice or due to inclement weather.

<table>
<thead>
<tr>
<th>Office Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATES</td>
</tr>
<tr>
<td>TIMES:</td>
</tr>
</tbody>
</table>

☐ Individual Field Reservation $50 (hourly) / All day $300

☐ Electricity Usage Fee $25 hourly

<table>
<thead>
<tr>
<th>Total Hours:</th>
<th>Total Fee:</th>
<th>Total Cost:</th>
</tr>
</thead>
</table>

☐ Cash  ☐ Check: (#________________)  Receipt #:

Updated 1.09.2023
ES ITEM 1. DISCUSSION/ACTION – Closed Session - Called pursuant to Section 551.074 (1) of the Texas Government Code: Personnel Matters; to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

City Manager
## AGENDA ITEM REPORT

**VI – Action from Executive Session**

**Meeting Date:** January 30, 2023  
**Department:** Administration  
**Budgeted Expense:** ☐ YES ☐ NO ☐ N/A

<table>
<thead>
<tr>
<th>Submitted By:</th>
<th>Staff</th>
<th>Reviewed By:</th>
<th>☑ City Manager</th>
<th>☑ City Secretary</th>
<th>☐ City Attorney</th>
<th>☐ Finance Director</th>
<th>☐ Other:</th>
</tr>
</thead>
</table>

### AGENDA ITEM:

VI – Any action necessary or appropriate as a result of the close executive session.

### Attachments:

None

### Discussion / Justification:

**Background:** N/A

### Recommendation / Staff Comments:

Staff Recommends: None

### Sample Motion(s):

I move to .....